

Serial No.: 10/701,161

Docket No.: KC-20,043

REMARKS

Applicants' attorney thanks the Examiner for her comments. Independent Claims 1, 24 and 25 have been amended to include the limitations of previous Claims 2 and 3, in order to affirmatively recite that the adhesive composition includes about 50 to about 99% by weight amorphous poly-alpha-olefin, about 1 to about 50% by weight tackifier, and at least about 80% combined weight of the amorphous poly-alpha-olefin and tackifier. Applicants submit that this amendment should be entered after final rejection, because it merely incorporates limitations of dependent claims that have already been examined, into the independent claims.

a) Claim Rejection Based On Zhou

The rejection of Claims 1-6, 9-24, 32, 33 and 35-37 under 35 U.S.C. §102(b) as anticipated by U.S. Publication 2002/0124956 ("Zhou") is respectfully traversed. Zhou does not disclose a bonded structure in which the adhesive composition includes about 50 to about 99% by weight amorphous poly-alpha-olefin, about 1 to about 50% by weight tackifier, and at least about 80% combined weight of the amorphous poly-alpha-olefin and tackifier.

The Examiner refers to Table 1 of Zhou, in which the "Control" Example utilizes an adhesive described as "100% RT2730." This Example does not anticipate any of Applicants' claims. As explained on page 10, lines 6-8 of Applicants' specification, RT2730 is a "neat APAO" adhesive commercially available from Huntsman Polymers Inc. of Odessa, Texas. A "neat APAO" adhesive is one which is pure, undiluted, and unmixed with anything. In other words, RT2730 does not include a tackifier.

The Examiner also refers to paragraph 31 of Zhou which states:

While certain aspects of the present invention encompass combinations of an APAO and crystalline polypropylene only, it should be understood that other embodiments of the present invention comprise components in addition to combinations of APAO and crystalline polypropylene.

The Examiner opines that paragraph 31 teaches adding tackifier to the adhesive of the Control Example. However, paragraph 31 of Zhou is not applicable to the Control Example (Table 1) for at least three reasons.

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First, paragraph 31 refers to “embodiments of the present invention.” The Control Example is not an embodiment of the invention, but a control. Second, paragraph 31 relates to “combinations of APAO and crystalline polypropylene.” The adhesive used in the Control Example, RT2730, is a “neat APAO adhesive” and does not contain crystalline polypropylene. Third, the Control Example (Table 1) explicitly states that the adhesive is 100% RT2730. This means that nothing else is added to RT2730. To add anything else would disregard the requirement of 100% RT2730 which defines the Control Example.

Furthermore, Applicants’ independent claims specify ingredients which together constitute about 100% by weight of the adhesive composition. Crystalline polypropylene (as required by the Zhou reference) is not among the ingredients listed in Applicants’ claims. In other words, Zhou teaches away from Applicants’ claims by requiring an ingredient that is essentially precluded by the claims.

Accordingly, no claim is anticipated. This rejection should be withdrawn.

b) Claim Rejection Based On Zhou In View Of Wang et al

The rejection of Claims 7, 8 and 25 under 35 U.S.C. §103(a) as obvious over Zhou in view of U.S. Publication 2003/0096896 (Wang et al.) is respectfully traversed. As explained above, Zhou teaches away from Applicants’ claims by requiring an adhesive to include an ingredient (crystalline polypropylene) that is not among the list of ingredients that together constitute about 100% by weight of the claimed adhesive composition. Wang et al. also teaches away from Applicants’ claims by requiring an adhesive to include an ingredient (syndiotactic polypropylene) that is not among the claimed list of ingredients.

The Wang et al. reference distinguishes syndiotactic polypropylene from both amorphous poly-alpha-olefins and isotactic (crystalline) polypropylenes, and explains how all three polymers differ from one another (¶¶ 6-14). Neither Zhou nor Wang et al. would motivate persons skilled in the art to make the claimed adhesive composition which is essentially limited to a list of ingredients not including crystalline polypropylene or syndiotactic polypropylene. No claim is rendered obvious. This rejection should be withdrawn.

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c) Claim Rejection Based On Double Patenting

The rejection of Claims 1-25 and 32-37 based on obviousness-type double patenting over Claims 1-15 of U.S. Patent 6,657,009 in view of Wang et al. is respectfully traversed. Claims 1-15 of U.S. Patent 6,657,009 require the adhesive composition to include an ingredient, crystalline polypropylene, that is essentially precluded by Applicants' claims. Each of Applicants' independent claims requires that the amorphous poly-alpha-olefin, tackifier and one or more additives (selected from a specific list) constitute about 100% of the adhesive composition. The claimed list of ingredients does not include crystalline polypropylene. Accordingly, Claims 1-15 of U.S. Patent 6,657,009 teach away from Applicants' claims by requiring this ingredient.

As explained above, Wang et al. requires an adhesive composition to include an ingredient (syndiotactic polypropylene) that is not among the claimed list of ingredients. Wang et al. also teaches away from Applicants' claims by requiring this ingredient.

Accordingly, no claim is rendered obvious. This rejection should be withdrawn.

d) Conclusion

Applicants believe that the claims, as presented, are in condition for allowance. If the Examiner detects any unresolved issue, then Applicants' attorney requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,



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